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Brinks Hofer Gilson & Lione PO Box 10395 Chicago, Illinois 60610 NOV 2 8 2006

OFFICE OF PETITIONS

In re Application of Subramanian et al. Application No.09939498 Attorney Docket No.10519-30

:DECISION GRANTING PTA LETTER

This decision is in response to APPLICANTS' <u>COMMUNICATION</u>
<u>CONCERNING PATENT TERM ADJUSTMENT</u> TIMELY¹ FILED ON February 16,
2006 requesting that the Office review the PTA determination to
determine if the Office correctly determined the PTA.

Patentees' letter regarding PTA is GRANTING.

Applicants assert that the Office erred by attributing a 219-day delay to THE Office for the noncompliant amendment rather than to applicant.

Applicant's arguments are persuasive. The Office notes that the RCE submission was non-compliant and applicant not the Office should have received the delay. Accordingly, the adjustment will be made to the PTA determination.

After the mailing of this decision, the patented file will be forwarded to the Office of Patent publications for a prompt issuance of the patent. Any delays by the USPTO pursuant to 37 CFR 1.702(a)(4) or 1.702(b) will be added to the determination at the time of the issuance of the patent and will be reflected in the issue notification letter that is mailed to applicant approximately three weeks prior to the issue of the patent.

No fee is required for this letter of good faith and candor.

Any questions concerning this decision should be directed to Kery A. Fries, Senior Legal Advisor, at 571-272-7757.

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: PTA determination

¹Issue fee paid on February 16, 2006.

Day : Monday Date: 11/27/2006

Time: 14:17:43

PALM INTRANET

PTA Calculations for Application: <u>09/939498</u>						
Application Filing Date:	08/24/2001	PTO Delay (PTO):	219			
Issue Date of Patent:		Three Years:	0			
Pre-Issue Petitions:	0	Applicant Delay (APPL):	444			
Post-Issue Petitions:	0	Total PTA (days):	0			
PTO Delay Adjustment:	-438					

File Contents History						
Number		Contents Description	PTO		START	
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72	11/27/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		219		
61	12/30/2005	MAIL NOTICE OF ALLOWANCE				
60	12/27/2005	ISSUE REVISION COMPLETED				
59	12/27/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED				
58	12/27/2005	CASE DOCKETED TO EXAMINER IN GAU				
57	12/27/2005	NOTICE OF ALLOWABILITY				
56	10/18/2005	DATE FORWARDED TO EXAMINER				
55	10/11/2005	RESPONSE TO ELECTION / RESTRICTION FILED				
54	09/29/2005	MAIL RESTRICTION REQUIREMENT				
53	09/28/2005	REQUIREMENT FOR RESTRICTION / ELECTION				
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49	07/18/2005	REFERENCE CAPTURE ON IDS				
48	07/18/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED				
47	01/18/2005	MAIL NON-FINAL REJECTION				
46	01/13/2005	NON-FINAL REJECTION				
45	11/08/2004	DATE FORWARDED TO EXAMINER				
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43	11/03/2004	WORKFLOW INCOMING AMENDMENT IFW				
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40	10/21/2004	NOTICE OF INFORMAL OR NON-RESPONSIVE				

	 	RCE AMENDMENT.			
39	10/21/2004	DATE FORWARDED TO EXAMINER			
38	11/17/2003	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
37	10/21/2004	DATE FORWARDED TO EXAMINER			
36	11/17/2003	REQUEST FOR CONTINUED EXAMINATION (RCE)		65	23
35	10/21/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
34	18114 / 744 / 7818170	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
33	03/18/2004	REFERENCE CAPTURE ON IDS			
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30	11/17/2003	WORKFLOW - REQUEST FOR RCE - BEGIN			
29	11/17/2003	ADVISORY ACTION (PTOL-303)			
28	10/28/2003	DATE FORWARDED TO EXAMINER			
27		AMENDMENT AFTER FINAL REJECTION			
26	10/17/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	04/14/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	06/11/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		72	20
23	06/13/2003	MAIL FINAL REJECTION (PTOL - 326)			
22	06/12/2003	FINAL REJECTION			
21	04/09/2003	DATE FORWARDED TO EXAMINER			
20	03/31/2003	RESPONSE AFTER NON-FINAL ACTION		66	18
19	03/31/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	10/24/2002	MAIL NON-FINAL REJECTION			
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16	09/16/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		28	13
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14	08/27/2002	DATE FORWARDED TO EXAMINER		, marris	
13	08/19/2002	RESPONSE TO ELECTION / RESTRICTION FILED			
12	07/15/2002	MAIL RESTRICTION REQUIREMENT			

		REQUIREMENT FOR RESTRICTION / ELECTION		
10	06/21/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
9	02/03/2002	CASE DOCKETED TO EXAMINER IN GAU		
8	08/24/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		
7	08/24/2001	PRELIMINARY AMENDMENT		
6	08/24/2001	PRELIMINARY AMENDMENT		
5	11/15/2001	CASE DOCKETED TO EXAMINER IN GAU		
4	10/10/2001	APPLICATION DISPATCHED FROM OIPE		
3	10/05/2001	CORRESPONDENCE ADDRESS CHANGE		
2	09/05/2001	IFW SCAN & PACR AUTO SECURITY REVIEW		
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EXPLANATION OF PTA CALCULATION

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